



ARIZONA DEPARTMENT OF ENVIRONMENTAL QUALITY

AIR QUALITY CLASS II PERMIT

COMPANY: FNF CONSTRUCTION, INC.
FACILITY: *Concrete Batch Plant*
PERMIT #: 42253
STATUS: Draft
DATE ISSUED: Draft
DATE EXPIRES:

SUMMARY

This Class II permit is a renewal of Permit Number 1001332 and is issued to FNF Construction, Inc., the Permittee, for statewide operation of its soil cement concrete batch plant.

FNF Construction, Inc. has a portable soil cement concrete batch plant that has a 700 tons per hour (TPH) capacity. There is a single cement silo and baghouse, a flyash silo with a baghouse used to make stabilized material for road base construction.

This concrete batch plant has the potential to emit (PTE), without controls or operating hours limitations, 838.09 tons per year of particulate matter 10 microns and 333.91 tons per year of particulate matter smaller than (PM_{10}). Under Arizona Administrative Code (A.A.C.) R18-2-101(104)(a), significant levels of PM and PM_{10} emissions are 40 and 15 tons per year, respectively. Thus, a Class II permit is required for FNF Construction, Inc.

This permit is issued in accordance with Arizona Revised Statutes (ARS) 49-426. It contains requirements from the Arizona Administrative Code, Title 18, Chapter 2, and from the Pima, Pinal, and Maricopa County air pollution control regulations.

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ATTACHMENT “A”: GENERAL CONDITIONS

Air Quality Control Permit No. 42253 For FNF Construction, Inc

I. PERMIT EXPIRATION AND RENEWAL

[ARS § 49-426.F, A.A.C. R18-2-304.C.2, and -306.A.1]

- A. This permit is valid for a period of five years from the date of issuance.
- B. The Permittee shall submit an application for renewal of this permit at least 6 months, but not more than 18 months, prior to the date of permit expiration.

II. COMPLIANCE WITH PERMIT CONDITIONS

[A.A.C. R18-2-306.A.8.a and b]

- A. The Permittee shall comply with all conditions of this permit including all applicable requirements of the Arizona air quality statutes and air quality rules. Any permit noncompliance constitutes a violation of the Arizona Revised Statutes and is grounds for enforcement action; for permit termination, revocation and reissuance, or revision; or for denial of a permit renewal application. In addition, noncompliance with any federally enforceable requirement constitutes a violation of the Clean Air Act.
- B. It shall not be a defense for a Permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.

III. PERMIT REVISION, REOPENING, REVOCATION AND REISSUANCE, OR TERMINATION FOR CAUSE

[A.A.C. R18-2-306.A.8.c, -321.A.1, and -321.A.2]

- A. The permit may be revised, reopened, revoked and reissued, or terminated for cause. The filing of a request by the Permittee for a permit revision, revocation and reissuance, termination, or of a notification of planned changes or anticipated noncompliance does not stay any permit condition.
- B. The permit shall be reopened and revised under any of the following circumstances:
 - 1. Additional applicable requirements under the Clean Air Act become applicable to the Class I source. Such a reopening shall only occur if there are three or more years remaining in the permit term. The reopening shall be completed no later than 18 months after promulgation of the applicable requirement. No such reopening is required if the effective date of the requirement is later than the date on which the permit is due to expire, unless an application for renewal has been submitted pursuant to A.A.C. R18-2-322.B. Any permit revision required pursuant to this subparagraph shall comply with the provisions in A.A.C. R18-2-322 for permit renewal and shall reset the five-year permit term.
 - 2. Additional requirements, including excess emissions requirements, become applicable to an affected source under the Acid Rain Program. Upon approval by the Administrator, excess emissions offset plans shall be deemed to be incorporated into the Class I permit.

3. The Director or the Administrator determines that the permit contains a material mistake or that inaccurate statements were made in establishing the emissions standards or other terms or conditions of the permit.
 4. The Director or the Administrator determines that the permit needs to be revised or revoked to assure compliance with the applicable requirements.
- C. Proceedings to reopen and reissue a permit, including appeal of any final action relating to a permit reopening, shall follow the same procedures as apply to initial permit issuance and shall, except for reopenings under Condition III.B.1 above, affect only those parts of the permit for which cause to reopen exists. Such reopenings shall be made as expeditiously as practicable. Permit reopenings for reasons other than those stated in Condition III.B.1 above shall not result in a resetting of the five-year permit term.

IV. POSTING OF PERMIT

[A.A.C. R18-2-315]

- A. The Permittee shall post this permit or a certificate of permit issuance where the facility is located in such a manner as to be clearly visible and accessible. All equipment covered by this permit shall be clearly marked with one of the following:
1. Current permit number; or
 2. Serial number or other equipment ID number that is also listed in the permit to identify that piece of equipment.
- B. A copy of the complete permit shall be kept on site.

V. FEE PAYMENT

[A.A.C. R18-2-306.A.9 and -326]

The Permittee shall pay fees to the Director pursuant to ARS § 49-426(E) and A.A.C. R18-2-326.

VI. ANNUAL EMISSION INVENTORY QUESTIONNAIRE

[A.A.C. R18-2-327.A and B]

- A. The Permittee shall complete and submit to the Director an annual emissions inventory questionnaire. The questionnaire is due by March 31st or ninety days after the Director makes the inventory form available each year, whichever occurs later, and shall include emission information for the previous calendar year.
- B. The questionnaire shall be on a form provided by the Director and shall include the information required by A.A.C. R18-2-327.

VII. COMPLIANCE CERTIFICATION

[A.A.C. R18-2-309.2.a, -309.2.c-d, and -309.5.d]

- A. The Permittee shall submit a compliance certification to the Director annually, which describes the compliance status of the source with respect to each permit condition. The certification shall be submitted no later than November 15th, and shall report the

compliance status of the source during the period between October 1st of the previous year and September 30th of the current year.

B. The compliance certifications shall include the following:

1. Identification of each term or condition of the permit that is the basis of the certification;
2. Identification of the methods or other means used by the Permittee for determining the compliance status with each term and condition during the certification period,
3. The status of compliance with the terms and conditions of the permit for the period covered by the certification, including whether compliance during the period was continuous or intermittent. The certification shall be based on the methods or means designated in Condition VII.B.2 above. The certifications shall identify each deviation and take it into account for consideration in the compliance certification;
4. For emission units subject to 40 CFR Part 64, the certification shall also identify as possible exceptions to compliance any period during which compliance is required and in which an excursion or exceedance defined under 40 CFR Part 64 occurred;
5. All instances of deviations from permit requirements reported pursuant to Condition XII.B of this Attachment; and
6. Other facts the Director may require to determine the compliance status of the source.

C. A copy of all compliance certifications shall also be submitted to the EPA Administrator.

D. If any outstanding compliance schedule exists, a progress report shall be submitted with the semi-annual compliance certifications required in Condition VII.A above.

VIII. CERTIFICATION OF TRUTH, ACCURACY AND COMPLETENESS

[A.A.C. R18-2-304.H]

Any document required to be submitted by this permit, including reports, shall contain a certification by a responsible official of truth, accuracy, and completeness. This certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.

IX. INSPECTION AND ENTRY

[A.A.C. R18-2-309.4]

Upon presentation of proper credentials, the Permittee shall allow the Director or the authorized representative of the Director to:

- A. Enter upon the Permittee's premises where a source is located, emissions-related activity is conducted, or where records are required to be kept under the conditions of the permit;

- B. Have access to and copy, at reasonable times, any records that are required to be kept under the conditions of the permit;
- C. Inspect, at reasonable times, any facilities, equipment (including monitoring and air pollution control equipment), practices, or operations regulated or required under the permit;
- D. Sample or monitor, at reasonable times, substances or parameters for the purpose of assuring compliance with the permit or other applicable requirements; and
- E. Record any inspection by use of written, electronic, magnetic and photographic media.

X. PERMIT REVISION PURSUANT TO FEDERAL HAZARDOUS AIR POLLUTANT STANDARD

[A.A.C. R18-2-304.C]

If this source becomes subject to a standard promulgated by the Administrator pursuant to Section 112(d) of the Act, then the Permittee shall, within twelve months of the date on which the standard is promulgated, submit an application for a permit revision demonstrating how the source will comply with the standard.

XI. ACCIDENTAL RELEASE PROGRAM

[40 CFR Part 68]

If this source becomes subject to the provisions of 40 CFR Part 68, then the Permittee shall comply with these provisions according to the time line specified in 40 CFR Part 68.

XII. EXCESS EMISSIONS, PERMIT DEVIATIONS, AND EMERGENCY REPORTING

A. Excess Emissions Reporting

[A.A.C. R18-2-310.01.A and -310.01.B]

1. Excess emissions shall be reported as follows:

- a. The Permittee shall report to the Director any emissions in excess of the limits established by this permit. Such report shall be in two parts as specified below:

- i. Notification by telephone or facsimile within 24 hours of the time when the Permittee first learned of the occurrence of excess emissions including all available information from Condition XII.A.1.b below.

- ii. Detailed written notification by submission of an excess emissions report within 72 hours of the notification pursuant to Condition XII.A.1.a.(1) above.

- b. The report shall contain the following information:

- i. Identity of each stack or other emission point where the excess emissions occurred;

- ii. Magnitude of the excess emissions expressed in the units of the applicable emission limitation and the operating data and calculations used in determining the magnitude of the excess emissions;
- iii. Date, time and duration, or expected duration, of the excess emissions;
- iv. Identity of the equipment from which the excess emissions emanated;
- v. Nature and cause of such emissions;
- vi. If the excess emissions were the result of a malfunction, steps taken to remedy the malfunction and the steps taken or planned to prevent the recurrence of such malfunctions; and
- vii. Steps taken to limit the excess emissions. If the excess emissions resulted from start-up or malfunction, the report shall contain a list of the steps taken to comply with the permit procedures.

- 2. In the case of continuous or recurring excess emissions, the notification requirements of this section shall be satisfied if the source provides the required notification after excess emissions are first detected and includes in such notification an estimate of the time the excess emissions will continue. Excess emissions occurring after the estimated time period, or changes in the nature of the emissions as originally reported, shall require additional notification pursuant to Condition XII.A.1 above.

[A.A.C. R18-2-310.01.C]

B. Permit Deviations Reporting

[A.A.C. R18-2-306.A.5.b]

The Permittee shall promptly report deviations from permit requirements, including those attributable to upset conditions as defined in the permit, the probable cause of such deviations, and any corrective actions or preventive measures taken. Prompt reporting shall mean that the report was submitted to the Director by certified mail, facsimile, or hand delivery within two working days of the time when emission limitations were exceeded due to an emergency or within two working days of the time when the owner or operator first learned of the occurrence of a deviation from a permit requirement.

C. Emergency Provision

[A.A.C. R18-2-306.E]

- 1. An “emergency” means any situation arising from sudden and reasonable unforeseeable events beyond the control of the source, including acts of God, that require immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

2. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if Condition XII.C.3 is met.
3. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:
 - a. An emergency occurred and that the Permittee can identify the cause(s) of the emergency.
 - b. The permitted facility was being properly operated at the time;
 - c. During the period of the emergency, the Permittee took all reasonable steps to minimize levels of emissions that exceeded the emissions standards or other requirements in the permit; and
 - d. The Permittee submitted notice of the emergency to the Director by certified mail, facsimile, or hand delivery within two working days of the time when emission limitations were exceeded due to the emergency. This notice shall contain a description of the emergency, any steps taken to mitigate emissions, and corrective action taken.
4. In any enforcement proceeding, the Permittee seeking to establish the occurrence of an emergency has the burden of proof.
5. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

D. Compliance Schedule

[ARS § 49-426.I.5]

For any excess emission or permit deviation that cannot be corrected with 72 hours, the Permittee is required to submit a compliance schedule to the Director within 21 days of such occurrence. The compliance schedule shall include a schedule of remedial measures, including an enforceable sequence of actions with milestones, leading to compliance with the permit terms or conditions that have been violated.

E. Affirmative Defenses for Excess Emissions Due to Malfunctions, Startup, and Shutdown
[A.A.C. R18-2-310]

1. Applicability

This rule establishes affirmative defenses for certain emissions in excess of an emission standard or limitation and applies to all emission standards or limitations except for standards or limitations:

- a. Promulgated pursuant to Sections 111 or 112 of the Act;
- b. Promulgated pursuant to Titles IV or VI of the Clean Air Act;
- c. Contained in any Prevention of Significant Deterioration (PSD) or New Source Review (NSR) permit issued by the U.S. EPA;

- d. Contained in A.A.C. R18-2-715.F; or
- e. Included in a permit to meet the requirements of A.A.C. R18-2-406.A.5.

2. Affirmative Defense for Malfunctions

Emissions in excess of an applicable emission limitation due to malfunction shall constitute a violation. When emissions in excess of an applicable emission limitation are due to a malfunction, the Permittee has an affirmative defense to a civil or administrative enforcement proceeding based on that violation, other than a judicial action seeking injunctive relief, if the Permittee has complied with the reporting requirements of A.A.C. R18-2-310.01 and has demonstrated all of the following:

- a. The excess emissions resulted from a sudden and unavoidable breakdown of process equipment or air pollution control equipment beyond the reasonable control of the Permittee;
- b. The air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;
- c. If repairs were required, the repairs were made in an expeditious fashion when the applicable emission limitations were being exceeded. Off-shift labor and overtime were utilized where practicable to ensure that the repairs were made as expeditiously as possible. If off-shift labor and overtime were not utilized, the Permittee satisfactorily demonstrated that the measures were impracticable;
- d. The amount and duration of the excess emissions (including any bypass operation) were minimized to the maximum extent practicable during periods of such emissions;
- e. All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality;
- f. The excess emissions were not part of a recurring pattern indicative of inadequate design, operation, or maintenance;
- g. During the period of excess emissions there were no exceedances of the relevant ambient air quality standards established in Title 18, Chapter 2, Article 2 of the Arizona Administrative Code that could be attributed to the emitting source;
- h. The excess emissions did not stem from any activity or event that could have been foreseen and avoided, or planned, and could not have been avoided by better operations and maintenance practices;
- i. All emissions monitoring systems were kept in operation if at all practicable; and

- j. The Permittee's actions in response to the excess emissions were documented by contemporaneous records

3. Affirmative Defense for Startup and Shutdown

- a. Except as provided in Condition XII.E.3.b below, and unless otherwise provided for in the applicable requirement, emissions in excess of an applicable emission limitation due to startup and shutdown shall constitute a violation. When emissions in excess of an applicable emission limitation are due to startup and shutdown, the Permittee has an affirmative defense to a civil or administrative enforcement proceeding based on that violation, other than a judicial action seeking injunctive relief, if the Permittee has complied with the reporting requirements of A.A.C. R18-2-310.01 and has demonstrated all of the following:
 - i. The excess emissions could not have been prevented through careful and prudent planning and design;
 - ii. If the excess emissions were the result of a bypass of control equipment, the bypass was unavoidable to prevent loss of life, personal injury, or severe damage to air pollution control equipment, production equipment, or other property;
 - iii. The air pollution control equipment, process equipment, or processes were at all times maintained and operated in a manner consistent with good practice for minimizing emissions;
 - iv. The amount and duration of the excess emissions (including any bypass operation) were minimized to the maximum extent practicable during periods of such emissions;
 - v. All reasonable steps were taken to minimize the impact of the excess emissions on ambient air quality;
 - vi. During the period of excess emissions there were no exceedances of the relevant ambient air quality standards established in Title 18, Chapter 2, Article 2 of the Arizona Administrative Code that could be attributed to the emitting source;
 - vii. All emissions monitoring systems were kept in operation if at all practicable; and
 - viii. Contemporaneous records documented the Permittee's actions in response to the excess emissions.
- b. If excess emissions occur due to a malfunction during routine startup and shutdown, then those instances shall be treated as other malfunctions subject to Condition XII.E.2 above.

4. Affirmative Defense for Malfunctions during Scheduled Maintenance

If excess emissions occur due to a malfunction during scheduled maintenance, then those instances will be treated as other malfunctions subject to Condition XII.E.2 above.

5. Demonstration of Reasonable and Practicable Measures

For an affirmative defense under Condition XII.E.2 or XII.E.3 above, the Permittee shall demonstrate, through submission of the data and information required by Condition XII.E and A.A.C. R18-2-310.01, that all reasonable and practicable measures within the Permittee's control were implemented to prevent the occurrence of the excess emissions.

XIII. RECORD KEEPING REQUIREMENTS

[A.A.C. R18-2-306.A.4]

- A. The Permittee shall keep records of all required monitoring information including, but not limited to, the following:
 - 1. The date, place as defined in the permit, and time of sampling or measurements;
 - 2. The date(s) analyses were performed;
 - 3. The name of the company or entity that performed the analyses;
 - 4. A description of the analytical techniques or methods used;
 - 5. The results of such analyses; and
 - 6. The operating conditions as existing at the time of sampling or measurement.
- B. The Permittee shall retain records of all required monitoring data and support information for a period of at least 5 years from the date of the monitoring sample, measurement, report, or application. Support information includes all calibration and maintenance records and all original strip-chart recordings or other data recordings for continuous monitoring instrumentation, and copies of all reports required by the permit.
- C. All required records shall be maintained either in an unchangeable electronic format or in a handwritten logbook utilizing indelible ink.

XIV. REPORTING REQUIREMENTS

[A.A.C. R18-2-306.A.5.a]

The Permittee shall submit the following reports:

- A. Compliance certifications in accordance with Section VII of Attachment "A".
- B. Excess emission; permit deviation, and emergency reports in accordance with Section XII of Attachment "A".
- C. Other reports required by any condition of Attachment "B".

XV. DUTY TO PROVIDE INFORMATION

[A.A.C. R18-2-304.G and -306.A.8.e]

- A. The Permittee shall furnish to the Director, within a reasonable time, any information that the Director may request in writing to determine whether cause exists for revising, revoking and reissuing, or terminating the permit, or to determine compliance with the permit. Upon request, the Permittee shall also furnish to the Director copies of records required to be kept by the permit. For information claimed to be confidential, the Permittee shall furnish an additional copy of such records directly to the Administrator along with a claim of confidentiality.
- B. If the Permittee has failed to submit any relevant facts or has submitted incorrect information in the permit application, the Permittee shall, upon becoming aware of such failure or incorrect submittal, promptly submit such supplementary facts or corrected information.

XVI. PERMIT AMENDMENT OR REVISION

[A.A.C. R18-2-318, -319, and -320]

- A. The Permittee shall apply for a permit amendment or revision for changes to the facility which do not qualify for a facility change without revision under Section XVII, as follows:
 - 1. Administrative Permit Amendment (A.A.C. R18-2-318);
 - 2. Minor Permit Revision (A.A.C. R18-2-319); and
 - 3. Significant Permit Revision (A.A.C. R18-2-320)
- B. The applicability and requirements for such action are defined in the above referenced regulations.

XVII. FACILITY CHANGE WITHOUT A PERMIT REVISION

[A.A.C. R18-2-306.A.4 and -317]

- A. The Permittee may make changes at the permitted source without a permit revision if all of the following apply:
 - 1. The changes are not modifications under any provision of Title I of the Act or under ARS § 49-401.01(19);
 - 2. The changes do not exceed the emissions allowable under the permit whether expressed therein as a rate of emissions or in terms of total emissions;
 - 3. The changes do not violate any applicable requirements or trigger any additional applicable requirements;
 - 4. The changes satisfy all requirements for a minor permit revision under A.A.C. R18-2-319.A; and
 - 5. The changes do not contravene federally enforceable permit terms and conditions that are monitoring (including test methods), record keeping, reporting, or compliance certification requirements.
- B. The substitution of an item of process or pollution control equipment for an identical or substantially similar item of process or pollution control equipment shall qualify as a

change that does not require a permit revision, if it meets all of the requirements of Conditions XVII.A and XVII.C of this Attachment.

- C. For each change under Conditions XVII.A and XVII.B above, a written notice by certified mail or hand delivery shall be received by the Director and the Administrator a minimum of 7 working days in advance of the change. Notifications of changes associated with emergency conditions, such as malfunctions necessitating the replacement of equipment, may be provided less than 7 working days in advance of the change, but must be provided as far in advance of the change, as possible or, if advance notification is not practicable, as soon after the change as possible.
- D. Each notification shall include:
 - 1. When the proposed change will occur;
 - 2. A description of the change;
 - 3. Any change in emissions of regulated air pollutants; and
 - 4. Any permit term or condition that is no longer applicable as a result of the change.
- E. The permit shield described in A.A.C. R18-2-325 shall not apply to any change made under this Section, other than implementation of an alternate to Conditions XVII.A and XVII.B above.
- F. Except as otherwise provided for in the permit, making a change from one alternative operating scenario to another as provided under A.A.C. R18-2-306.A.11 shall not require any prior notice under this Section.
- G. Notwithstanding any other part of this Section, the Director may require a permit to be revised for any change that, when considered together with any other changes submitted by the same source under this Section over the term of the permit, do not satisfy Condition XVII.A above.

XVIII. TESTING REQUIREMENTS

[A.A.C. R18-2-312]

- A. The Permittee shall conduct performance tests as specified in the permit and at such other times as may be required by the Director.
- B. Operational Conditions during Testing
- C. Tests shall be conducted during operation at the maximum possible capacity of each unit under representative operational conditions unless other conditions are required by the applicable test method or in this permit. With prior written approval from the Director, testing may be performed at a lower rate. Operations during periods of start-up, shutdown, and malfunction (as defined in A.A.C. R18-2-101) shall not constitute representative operational conditions unless otherwise specified in the applicable standard.

D. Tests shall be conducted and data reduced in accordance with the test methods and procedures contained in the Arizona Testing Manual unless modified by the Director pursuant to A.A.C. R18-2-312.B.

E. Test Plan

At least 14 calendar days prior to performing a test, the Permittee shall submit a test plan to the Director in accordance with A.A.C. R18-2-312.B and the Arizona Testing Manual. This test plan must include the following:

1. Test duration;
2. Test location(s);
3. Test method(s); and
4. Source operation and other parameters that may affect test results.

F. Stack Sampling Facilities

The Permittee shall provide, or cause to be provided, performance testing facilities as follows:

1. Sampling ports adequate for test methods applicable to the facility;
2. Safe sampling platform(s);
3. Safe access to sampling platform(s); and
4. Utilities for sampling and testing equipment.

G. Interpretation of Final Results

Each performance test shall consist of three separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic mean of the results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs is required to be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the Permittee's control, compliance may, upon the Director's approval, be determined using the arithmetic mean of the results of the other two runs. If the Director or the Director's designee is present, tests may only be stopped with the Director's or such designee's approval. If the Director or the Director's designee is not present, tests may only be stopped for good cause. Good cause includes: forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances beyond the Permittee's control. Termination of any test without good cause after the first run is commenced shall constitute a failure of the test. Supporting documentation, which demonstrates good cause, must be submitted.

H. Report of Final Test Results

A written report of the results of all performance tests shall be submitted to the Director within 30 days after the test is performed. The report shall be submitted in accordance with the Arizona Testing Manual and A.A.C. R18-2-312.A.

XIX. PROPERTY RIGHTS

[A.A.C. R18-2-306.A.8.d]

This permit does not convey any property rights of any sort, or any exclusive privilege.

XX. SEVERABILITY CLAUSE

The provisions of this permit are severable. In the event of a challenge to any portion of this permit, or if any portion of this permit is held invalid, the remaining permit conditions remain valid and in force.

XXI. PERMIT SHIELD

[A.A.C. R18-2-325]

Compliance with the conditions of this permit shall be deemed compliance with all applicable requirements identified in the portions of this permit subtitled "Permit Shield". The permit shield shall not apply to minor revisions pursuant to Condition XVI.A.2 of this Attachment and any facility changes without a permit revision pursuant to Section XVII of this Attachment.

XXII. PROTECTION OF STRATOSPHERIC OZONE

If this source becomes subject to the provisions of 40 CFR Part 82, then the Permittee shall comply with these provisions accordingly.

ATTACHMENT “B”: SPECIFIC CONDITIONS

Air Quality Control Permit No. 42253 For FNF Construction, Inc

I. FACILITY WIDE LIMITATIONS

A. Facility Wide Emission Limitations

[A.A.C. R18-2-306.A.2, -306.01, and -331.A.3.a]

[Material permit conditions are indicated by underline and italics]

1. Within 90 days of permit issuance, the Permittee shall have on-site, or on-call, a person who is certified in EPA Reference Method 9.
[A.A.C. R18-2-306.A.3.c]
2. The Permittee shall operate and maintain all equipment at the facility in accordance with manufacturer's specifications.
[A.A.C. R18-2-306.A.2]
3. The Permittee shall keep the records of all the maintenance activities carried out on the concrete batch plant equipment that affects air quality. These logs shall include the type of maintenance activity being performed and the duration of each maintenance activity, including the date, starting time, and ending time of the maintenance activities. These logs shall be maintained on-site and shall be readily available to ADEQ representatives upon request.
[A.A.C. R18-2-306.A.2]

B. Operating Limitations

[A.A.C. R18-2-306.A.2]

1. While operating in Pima County the Permittee shall comply with the Conditions set forth in Attachments “A”, “B”, “C” and “D”.
2. While operating in Pinal County the Permittee shall comply with the Conditions set forth in Attachments “A”, “B”, “C” and “E”.
3. While operating in Maricopa County the Permittee shall comply with the Conditions set forth in Attachments “A”, “B”, “C” and “F”.
4. While operating in Arizona in counties other than Maricopa, Pinal or Pima, the Permittee shall comply with the Conditions set forth in Attachments “A”, “B”, and “C”.
5. The Permittee shall not collocate the soil cement concrete batch facility with a hot mix asphalt facility or a crushing and screening facility.
[A.A.C. R18-2-306.01 and 331.A.3.a]

[Material Permit Condition is indicated by underline and italics]

C. Record Keeping Requirements

[A.A.C. R18-2-306.A.3.b, A.3.c & A.4]

1. The Permittee shall maintain, on-site, records of the manufacturer's data for all concrete batch plant equipment identified in Attachment "C".
2. The Permittee shall keep a log of the following information for each engine that has been determined to be nonroad by the Director
 - a. Date that the engine is brought to the facility;
 - b. Make, model, serial number and capacity of the engine; and
 - c. Date that the engine is removed from the facility

These records shall be made available upon request.

3. All records, analyses, and reports, shall be retained for a minimum of five years from the date of generation. The most recent two years of data shall be kept on-site

D. Reporting Requirement

At the time the compliance certifications required by Section VII of Attachment "A" are submitted, the Permittee shall submit reports of all monitoring activities required by this Attachment performed in the same period as applies to the compliance certification period.

[A.A.C. R18-2-306.A.5.a]

II. CONCRETE BATCH FACILITY REQUIREMENTS

Particulate Matter and Opacity Standards

A. Emission Limitations/Standards

1. The Permittee shall not cause, allow, or permit the opacity of any plume or effluent from the soil cement concrete batch plant to be greater than 20 percent as determined by EPA Reference Method 9 in 40 CFR Part 60, Appendix A.
[A.A.C. R18-2-702.B]
2. Fugitive dust emissions from the concrete batch plant shall be controlled in accordance with Section VI of Attachment "B".
[A.A.C. R18-2-723]

B. Air Pollution Control

1. Cement Silo

- a. At all times, including periods of startup, shutdown, and malfunction, the Permittee shall install, maintain and operate the baghouse/dust collector on the cement silos in a manner consistent with good air pollution control practice for minimizing emissions. If vendor specifications are not available, the Permittee shall develop and implement procedures for the proper operation and maintenance of each baghouse. A copy of the vendor specifications or the operation and maintenance plan shall be kept on site and made available to ADEQ upon request.

- b. Loading of screens, and cement storage silo shall be conducted in such a manner that the displaced air does not by-pass the bag house and is not directly vented to the atmosphere.

[A.A.C. R18-2-306.A.2]

2. Product Delivery System

- a. The Permittee shall install, operate, and maintain a rubber sleeve, or equivalent device, on the product delivery system in a manner consistent with good air pollution control practice for minimizing emissions during material transfer to trucks.
- b. The Permittee shall install, operate and maintain spray bars, or equivalent on the product delivery system to minimize visible emissions during material transfer to trucks.

[A.A.C. R-18-2-306.A.2 and -331.A.3.d and e]
[Material Permit Condition is indicated by underline and italics]

3. Conveyors and Transfer Points

The Permittee shall install, operate and maintain spray bars, or equivalent on the conveyor transfer points to minimize visible emissions.

[A.A.C. R-18-2-306.A.2 and -331.A.3.d and e]
[Material Permit Condition is indicated by underline and italics]

4. Concrete Batch Plant Fugitive Dust

[A.A.C. R18-2-723]

The Permittee shall control all fugitive dust emissions from the concrete batch plant in accordance with Conditions IV.B.1.a.iii.(a) through IV.B.1.a.iii.(h) of this Attachment.

C. Monitoring and Record Keeping

[A.A.C. R18-2-306.A.2, -306.A.3.b]

1. Cement Silos

- a. A certified EPA Reference Method 9 observer shall conduct a monthly survey of visible emissions emanating from all of the concrete batch plant equipment if in operation. If the opacity of the emissions observed appears to exceed the standard, the observer shall conduct a certified EPA Reference Method 9 observation. The Permittee shall keep records of the initial survey and any EPA Reference Method 9 observations performed. These records shall include the emission point observed, name of observer, date and time of observation, and the results of the observation.
- b. If the observation results in a Method 9 opacity reading in excess of the standard, the Permittee shall report this to ADEQ as an excess emission and initiate appropriate corrective action to reduce the opacity below the

standard. The Permittee shall keep a record of the corrective action performed.

D. Permit Shield

[A.A.C. R18-2-325]

Compliance with the Section II shall be deemed compliance with the following applicable requirements: A.A.C. R18-2-702.B.3 and A.A.C. R18-2-723.

III. SCREENING AND PUG MILL OPERATIONS

A. Applicability

[A.A.C. R18-2-722.A]

This section applies to the screen and pug mill listed in the equipment list in Attachment “C”.

B. Particulate Matter and Opacity

1. Emission Limits/Standards

- a. The Permittee shall not cause, allow or permit the discharge of particulate matter into the atmosphere, except as fugitive emissions, in any one hour from the screen or pug mill in total quantities in excess of the amounts calculated by the following equation:

For process sources having a process weight rate greater than 60,000 pounds per hour (30 tons per hour), the maximum allowable emissions shall be determined by the following equation: [A.A.C. R18-2-722.B.2]

$$E = 55.0 P^{0.11} - 40$$

Where:

E = the maximum allowable emissions rate in pounds-mass per hour.
P = the process weight rate in tons-mass per hour

b. Opacity

The Permittee shall not cause to be discharged into the atmosphere from the screen or pug mill any emissions greater than 20 percent.

[A.A.C. R18-2-702.B.1]

2. Air Pollution Controls

- a. Water spray bars or equivalent control equipment shall be used on the screen and pug mill whenever the equipment is operating or material must be adequately wet to minimize visible emissions to the extent practical.

[A.A.C. R18-2-331.A.3.d and e, and 306.01]

[Material permit conditions are indicated by underline and italics]

- b. Spray bar pollution control shall be utilized in accordance with “EPA

Control of Air Emissions From Process Operations in the Rock Crushing Industry” (EPA 340/1-79-002), and “Wet Suppression System” (pages 15-34, amended as of January, 1979 (and no future amendments or editions)), as incorporated herein by reference and on file with the Office of the Secretary of State, with placement of spray bars and nozzles as required by the Director to minimize air pollution. [A.A.C. R18-2-722.D]

- e. Fugitive emissions from operation of gravel or crushed stone processing shall be controlled in accordance Conditions IV.B.1.a.iii.(a) through IV.B.1.a.iii.(h) of this Attachment. [A.A.C. R18-2-722.E]

3. Monitoring and Recordkeeping Requirements

- a. A certified EPA Reference Method 9 observer shall conduct a monthly survey of visible emissions emanating from the screen and pug mill if in operation. If the opacity of the emissions observed appears to exceed the standard, the observer shall conduct a certified EPA Reference Method 9 observation. The Permittee shall keep records of the initial survey and any EPA Reference Method 9 observations performed. These records shall include the emission point observed, name of observer, date and time of observation, and the results of the observation.
- b. If the observation results in a Method 9 opacity reading in excess of the standard, the Permittee shall report this to ADEQ as an excess emission and initiate appropriate corrective action to reduce the opacity below the standard. The Permittee shall keep a record of the corrective action performed.
- c. Periodic Monitoring Requirements [A.A.C. R18-2-722.F, and -331.A.3.c]
[Material permit conditions are indicated by underline and italics]

The Permittee shall install, calibrate, maintain, and operate monitoring devices which can be used to determine daily the process weight of sand, gravel or crushed stone produced. The weighing devices shall have an accuracy of plus or minus 5 percent over their operating range.

- d. Recordkeeping Requirements [A.A.C. R18-2-722.G]

The Permittee shall maintain records of the daily production rate of gravel or crushed stone produced.

4. Permit Shield [A.A.C. R18-2-325]

Compliance with Condition V.B of Attachment “B” shall be deemed compliance with A.A.C. R18-2-702.B, A.A.C. R18-2-722.A, A.A.C. R18-2-722.B, A.A.C. R18-2-722.D, A.A.C. R18-2-722.E, A.A.C. R18-2-722.F, and A.A.C. R18-2-722.G.

IV. FUGITIVE DUST REQUIREMENTS

A. Applicability

This Section applies to any source of fugitive dust in the facility.

B. Particulate Matter and Opacity

1. Open Areas, Roadways & Streets, Storage Piles, and Material Handling

a. Emission Limitations/Standards

- i. Opacity of emissions from any fugitive dust source shall not be greater than 40% measured in accordance with the Arizona Testing Manual, Reference Method 9.

[A.A.C. R18-2-614]

- ii. The Permittee shall not cause, allow or permit visible emissions from any fugitive point source, in excess of 20 percent opacity.

[A.A.C-R18-2-702.B]

- iii. The Permittee shall employ the following reasonable precautions to prevent excessive amounts of particulate matter from becoming airborne:

1. Keep dust and other types of air contaminants to a minimum in an open area where construction operations, repair operations, demolition activities, clearing operations, leveling operations, or any earth moving or excavating activities are taking place, by good modern practices such as using an approved dust suppressant or adhesive soil stabilizer, paving, covering, landscaping, continuous wetting, detouring, barring access, or other acceptable means;

[A.A.C. R18-2-604.A]

2. Keep dust to a minimum from driveways, parking areas, and vacant lots where motor vehicular activity occurs by using an approved dust suppressant, or adhesive soil stabilizer, or by paving, or by barring access to the property, or by other acceptable means;

[A.A.C. R18-2-604.B]

3. Keep dust and other particulates to a minimum by employing dust suppressants, temporary paving, detouring, wetting down or by other reasonable means when a roadway is repaired, constructed, or reconstructed;

[A.A.C. R18-2-605.A]

4. Take reasonable precautions, such as wetting, applying dust suppressants, or covering the load when transporting material likely to give rise to airborne dust;

[A.A.C. R18-2-605.B]

5. Take reasonable precautions, such as the use of spray bars, wetting agents, dust suppressants, covering the load, and hoods when crushing, handling, or conveying material likely to give rise to airborne dust;
[A.A.C. R18-2-606]
6. Take reasonable precautions such as chemical stabilization, wetting, or covering when organic or inorganic dust producing material is being stacked, piled, or otherwise stored;
[A.A.C. R18-2-607.A]
7. Operate stacking and reclaiming machinery utilized at storage piles at all times with a minimum fall of material, or with the use of spray bars and wetting agents;
[A.A.C. R18-2-607.B]
8. Any other method as proposed by the Permittee and approved by the Director.
[A.A.C. R18-2-306.A.3.c]

b. Air Pollution Control Requirements

Haul Roads and Storage Piles

Water, or an equivalent control, shall be used to control visible emissions from haul roads and storage piles.

[A.A.C. R-18-2-306.A.2 and -331.A.3.d]

[Material Permit Condition is indicated by underline and italics]

c. Monitoring and Recordkeeping Requirements

- i. The Permittee shall maintain records of the dates on which any of the activities listed in Conditions IV.B.1.a.iii.(a) through IV.B.1.a.iii.(h) above were performed and the control measures that were adopted.

[A.A.C. R18-2-306.A.3.c]

ii. Opacity Monitoring Requirements

1. A certified Method 9 observer shall conduct a monthly visual survey of visible emissions from the fugitive dust sources. The Permittee shall keep a record of the name of the observer, the date and location on which the observation was made, and the results of the observation.
2. If the observer sees a visible emission from a fugitive dust source that on an instantaneous basis appears to exceed applicable opacity standard, then the observer shall, if practicable, take a six-minute Method 9 observation of the visible emission.

(a). If the six-minute opacity of the visible emission is less than or equal to applicable opacity standard, the observer shall make a record of the following:

a) Location, date, and time of the observation; and

b) The results of the Method 9 observation.

(2). If the six-minute opacity of the visible emission exceeds applicable opacity standard, then the Permittee shall do the following:

a) Adjust or repair the controls or equipment to reduce opacity to below the applicable standard; and

b) Report it as an excess emission under Section XII.A of Attachment "A".

[A.A.C. R18-2-306.A.3.c]

d. Permit Shield

Compliance with the conditions of this Part shall be deemed compliance with A.A.C. R18-2-604.A, A.A.C. R18-2-604.B, A.A.C. R18-2-605, A.A.C. R18-2-606, A.A.C. R18-2-607, and A.A.C. R18-2-612.

[A.A.C. R18-2-325]

2. Open Burning

a. Emission Limitation/Standard

Except as provided in A.A.C. R18-2-602.C.1, C.2, C.3, and C.4, and except when permitted to do so by either ADEQ or the local officer delegated the authority for issuance of open burning permits, the Permittee shall not conduct open burning.

[A.A.C. R18-2-602]

b. Monitoring and Recordkeeping Requirement

Compliance with the requirements of Condition IV.B.2.a above may be demonstrated by maintaining copies of all open burning permits on file.

[A.A.C. R18-2-306.A.3.c]

c. Permit Shield

Compliance with the conditions of this Part shall be deemed compliance with A.A.C. R18-2-602.

[A.A.C. R18-2-325]

V. MOBILE SOURCE REQUIREMENTS

A. Applicability

The requirements of this Section are applicable to mobile sources which either move while emitting air contaminants or are frequently moved during the course of their utilization but are not classified as motor vehicles, agricultural vehicles, or agricultural equipment used in normal farm operations. Mobile sources shall not include portable sources as defined in A.A.C. R18-2-101.90.

[A.A.C.R18-2-801.A]

B. Particulate Matter and Opacity

1. Emission Limitations/Standards

a. Off-Road Machinery

The Permittee shall not cause, allow, or permit to be emitted into the atmosphere from any off-road machinery, smoke for any period greater than ten consecutive seconds, the opacity of which exceeds 40%. Visible emissions when starting cold equipment shall be exempt from this requirement for the first ten minutes. Off-road machinery shall include trucks, graders, scrapers, rollers, and other construction and mining machinery not normally driven on a completed public roadway.

[A.A.C.R18-2-802.A and -802.B]

b. Roadway and Site Cleaning Machinery

i. The Permittee shall not cause, allow or permit to be emitted into the atmosphere from any roadway and site cleaning machinery smoke or dust for any period greater than ten consecutive seconds, the opacity of which exceeds 40%. Visible emissions when starting cold equipment shall be exempt from this requirement for the first ten minutes.

[A.A.C.R18-2-804.A]

ii. The Permittee shall take reasonable precautions, such as the use of dust suppressants, before the cleaning of a site, roadway, or alley. Earth or other material shall be removed from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water or by other means.

[A.A.C. R18-2-804.B]

c. Unless otherwise specified, no mobile source shall emit smoke or dust the opacity of which exceeds 40%.

[A.A.C.R18-2-801.B]

2. Recordkeeping Requirement

The Permittee shall keep a record of all emissions related maintenance activities performed on the Permittee's mobile sources stationed at the facility as per manufacturer's specifications.

[A.A.C.R18-2-306.A.5.a]

3. Permit Shield

Compliance with this Section shall be deemed compliance with A.A.C. R18-2-801, A.A.C. R18-2-802.A, A.A.C. R18-2-804.A and A.A.C. R18-2-804.B.

[A.A.C.R18-2-325]

VI. OTHER PERIODIC ACTIVITY REQUIREMENTS

A. Abrasive Blasting

Particulate Matter and Opacity

1. Emission Limitations/Standards

- a. The Permittee shall not cause or allow sandblasting or other abrasive blasting without minimizing dust emissions to the atmosphere through the use of good modern practices. Good modern practices include:

- i. wet blasting;
- ii. effective enclosures with necessary dust collecting equipment; or
- iii. any other method approved by the Director.

[A.A.C. R18-2-726]

b. Opacity

The Permittee shall not cause, allow or permit visible emissions from sandblasting or other abrasive blasting operations in excess of 20% opacity, as measured by EPA Reference Method 9.

[A.A.C. R18-2-702.B]

2. Monitoring and Recordkeeping Requirement

Each time an abrasive blasting project is conducted, the Permittee shall log in ink or in an electronic format, a record of the following:

- a. The date the project was conducted;
- b. The duration of the project; and
- c. Type of control measures employed.

[A.A.C. R18-2-306.A.3.c]

3. Permit Shield

Compliance with this Part shall be deemed compliance with A.A.C. R18-2-726, A.A.C. R18-2-702.B.

[A.A.C.R18-2-325]

B. Use of Paints

1. Volatile Organic Compounds

a. Emission Limitations/Standards

While performing spray painting operations, the Permittee shall comply with the following requirements:

- i. The Permittee shall not conduct or cause to be conducted any spray painting operation without minimizing organic solvent emissions. Such operations, other than architectural coating and spot painting, shall be conducted in an enclosed area equipped with controls containing no less than 96 percent of the overspray.
[A.A.C.R18-2-727.A]
- ii. The Permittee or their designated contractor shall not either:
 1. Employ, apply, evaporate, or dry any architectural coating containing photochemically reactive solvents for industrial or commercial purposes; or
 2. Thin or dilute any architectural coating with a photochemically reactive solvent.
[A.A.C.R18-2-727.B]
- iii. For the purposes of Conditions VII.B.1.a.ii and VII.B.1.a.v, a photochemically reactive solvent shall be any solvent with an aggregate of more than 20 percent of its total volume composed of the chemical compounds classified in Conditions VI.B.1.a.iii below, or which exceeds any of the following percentage composition limitations, referred to the total volume of solvent:
 1. A combination of the following types of compounds having an olefinic or cyclo-olefinic type of unsaturation-hydrocarbons, alcohols, aldehydes, esters, ethers, or ketones: 5 percent.
 2. A combination of aromatic compounds with eight or more carbon atoms to the molecule except ethylbenzene: 8 percent.
 3. A combination of ethylbenzene, ketones having branched hydrocarbon structures, trichloroethylene or toluene: 20 percent.
[A.A.C.R18-2-727.C]
- iv. Whenever any organic solvent or any constituent of an organic solvent may be classified from its chemical structure into more than one of the groups of organic compounds described in Conditions VI.B.1.a.iii.1 and VI.B.1.a.iii.3 above, it shall be considered to be a member of the group having the least allowable percent of the total volume of solvents.
[A.A.C.R18-2-727.D]

b. Monitoring and Recordkeeping Requirements

i. Each time a spray painting project is conducted, the Permittee shall log in ink, or in an electronic format, a record of the following:

1. The date the project was conducted;
2. The duration of the project;
3. Type of control measures employed;
4. Material Safety Data Sheets for all paints and solvents used in the project; and
5. The amount of paint consumed during the project.

ii. Architectural coating and spot painting projects shall be exempt from the recordkeeping requirements of Condition VI.B.1 above.
[A.A.C. R18-2-306.A.3.c]

c. Permit Shield

Compliance with this Part shall be deemed compliance with A.A.C.R18-2-727 and SIP Provision R9-3-527.C.
[A.A.C.R18-2-325]

2. Opacity

a. Emission Limitation/Standard

The Permittee shall not cause, allow or permit visible emissions from painting operations in excess of 20% opacity, as measured by EPA Reference Method 9.
[A.A.C. R18-2-702.B]

b. Permit Shield

Compliance with the conditions of this Part shall be deemed compliance with A.A.C.R18-2-702.B.
[A.A.C. R18-2-325]

C. Demolition/Renovation - Hazardous Air Pollutants

1. Emission Limitation/Standard

The Permittee shall comply with all of the requirements of 40 CFR 61 Subpart M (National Emissions Standards for Hazardous Air Pollutants - Asbestos).
[A.A.C. R18-2-1101.A.8]

2. Monitoring and Recordkeeping Requirement

The Permittee shall keep all required records in a file. The required records shall include the “NESHAP Notification for Renovation and Demolition Activities” form and all supporting documents.

[A.A.C. R18-2-306.A.3.c]

3. Permit Shield

Compliance with the conditions of this Part shall be deemed compliance with A.A.C. R18-2-1101.A.8.

[A.A.C. R18-2-325]

VII. CONDITIONS SPECIFIC TO PORTABLE SOURCES

A. Equipment Identification

[A.A.C. R18-2-315.A.2 and -324.E]

The equipment serial number, utilizing not less than four-inch high characters, shall be stenciled on each permitted piece of equipment, and referenced in all correspondence with the Department.

B. Move Notice

[A.A.C. R18-2-324.D and A.A.C. R18-2-306.A.5]

A portable source may be transferred from one location to another provided that the Permittee of such equipment notifies the Director, and any control officer who has jurisdiction over the geographic area that includes the new location, of the transfer of the transfer by certified mail at least ten (10) working days before the transfer. The location change shall include the following:

1. A description of **all** permitted equipment (under the same owner or operator) which is going to be present at the site including the permit number, the manufacturer, the model number, the serial number, and equipment ID number(s) for such equipment;
2. The address and description of the present location of the equipment;
3. The address and description of the location to which the equipment is to be transferred, including the availability of all utilities, such as water and electricity, necessary for the proper operation of all control equipment;
4. The date on which equipment is to be moved; and
5. The date on which operation of the equipment will begin at the new location.

C. Renting or Leasing Permitted Equipment

[A.A.C. R18-2-324.C]

In the case that equipment covered under this permit is rented or leased, this permit shall be provided by the owner to the renter or lessee, and the renter or lessee shall be bound by this permit's provisions. In the event a copy of the permit is not provided to the renter or lessee, both the owner and the renter or lessee shall be responsible for the operation of this equipment in compliance with the permit conditions and any violations thereof.

D. Portable Sources Operating Solely in One County

[A.A.C. R18-2-324.A and -324.B]

A portable source that will operate for the duration of its permit solely in one county that has established a local air pollution control program pursuant to A.R.S. 49-479 shall obtain a permit from that county.

ATTACHMENT "C": EQUIPMENT LIST

**Air Quality Control Permit No. 42253
For
FNF Construction, Inc**

EQUIPMENT TYPE	MAXIMUM CAPACITY	MAKE	MODEL	SERIAL NUMBER	EQUIPMENT ID	DATE OF MFG.
Cement Guppy	4000 cf	Viking	4000	IT9SS5316B719187	161-2001	2006
Cement Silo	50 tons	CMI	MFS-700	115	84-08	1997
Screen	1000 tph	Kolman		82-190	70-03	1983
Feeder	1000 tph	Fasoli	42 x 16	AL0174	72-02	1993
Pug Mill	700 tph	Pioneer	425-P	425-P-191	70-01	1982
Weigh Conveyor	700 tph	SAUK Valley	100	1779	74-43	2005
Enclosed Auger	10 tph	Industrial Mining	16 x24	N/A	81-11601	2005
Conveyor	700 tph	Dakota	36 x 20	1793	74-41	2005
Conveyor	700 tph	Dakota	36 x 30	1786	74-23	2005
Conveyor	700 tph	Reuter	36 x 60	3660-1296-6R	74-42	2005
Load out Hopper	700 tph	Fasoli	303-0011	4820	70-06	1982
Non-Road Engine	814 hp	Caterpillar	3412	BCW00833	50-054502	1991

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ATTACHMENT “D”

ADDITIONAL CONDITIONS FOR OPERATION INSIDE PIMA COUNTY

Air Quality Control Permit No. 42253

For

FNF Construction, Inc

I. FACILITY WIDE LIMITATIONS

While operating in Pima County the Permittee shall comply with the Conditions set forth in Attachment “B” and Attachment “D”. Whenever more than one Condition in this Attachment regulating the same emissions applies to any emissions unit, or whenever a Condition in this Attachment and a Condition in Attachment “B” regulating the same emissions applies to any emissions unit, the Condition or combination of Conditions resulting in the lowest emissions rate or lowest concentration of regulated air pollutants released to the atmosphere shall apply, unless otherwise specifically exempted or designated in the applicable permit Conditions.

II. CONCRETE BATCH PLANTS

A. Emission Limitations

Fugitive emissions from concrete batch plants shall be controlled in accordance Condition III of Attachment “D”.

[P.C.C. §§ 17.16.380]

B. Permit Shield

Compliance with Condition II shall be deemed compliance with P.C.C. §§ 17.16.380

III. FUGITIVE DUST REQUIREMENTS

A. Fugitive Dust Producing Activities

[P.C.C. §§ 17.16.060]

1. The Permittee shall control windblown dust, dust from haul roads, and dust emitted from land clearing, earthmoving, demolition, trenching, blasting, road construction, mining, racing event, and other activities, as applicable.
2. Until the area becomes permanently stabilized by paving, landscaping or otherwise, dust emissions shall be controlled by applying adequate amounts of water, chemical stabilizer, or other effective dust suppressant.
3. The Permittee shall not leave land in such a state that fugitive dust emissions (including windblown dust or dust caused by vehicular traffic on the area) would violate this permit. (Ord. 1994-83 § 50, 1994; Ord. 1993-128 § 4, 1993; Ord. 1979-93 (part), 1979)

B. Vacant Lots and Open Spaces

[P.C.C. §§ 17.16.080]

1. The Permittee shall minimize dust emissions from the construction, use, alteration, repair, demolition, clearing, leveling, or excavation of any vacant lot, parking area, housing plot, building site, sales lot, playground, livestock feedlot, or other open area, other than those solely used for soil-cultivation or vegetative crop-producing and harvesting agricultural purposes, by intermittently applying water or other effective dust suppressants to the area, paving, detouring, barring access, or other equivalently effective controls.
2. No vacant lot, housing plot, building site, parking area, sales lot, playground, livestock feedlot, or other open area - other than those used solely for soil-cultivation or vegetative crop-producing and harvesting agricultural purposes - shall be left in such a state after construction, alteration, clearing, leveling, or excavation that naturally induced wind blowing over the area causes visible emissions of airborne dust to diffuse beyond the property lines within which the emissions become airborne. Dust emissions must be permanently suppressed by landscaping, covering with gravel or vegetation, paving, or applying equivalently effective controls.
3. This Section shall not apply when wind speeds exceed twenty-five miles per hour (as recorded by the National Weather Service or as estimated by an enforcement officer using the Beaufort Scale of Wind Speed Equivalents) unless control measures have not been taken or were not commensurate with the size or scope of the sources of dust.

C. Roads and Streets

[P.C.C. §§ 17.16.090]

1. Dust emissions from the construction phase of a new road must be minimized by applying the same measures specified in Condition III.A of Attachment "D".
2. No new unpaved private driveway shall be constructed unless the road will not be used by more vehicular traffic than that associated with a one - or two-family private residence, and the road will not be adjacent to any recreational, institutional, educational, or retail sales facility.
3. No new unpaved service road or unpaved haul road shall be constructed unless dust will be suppressed after construction by intermittently watering, limiting access, or applying chemical dust suppressants to the road, in such a way that visible dust emissions caused by vehicular traffic on the road do not violate section 17.16.050 of Condition IV.C below.
4. No new road other than a private driveway shall be constructed unless the paving specifications are those defined by, or equivalent to those of, the planning department and/or highway department of the jurisdictional agency.
5. The surfacing of roadways with asbestos tailings is prohibited.

D. Particulate Materials

[P.C.C. §§ 17.16.100]

1. Dust emissions from construction activity shall be effectively controlled by applying adequate amounts of water or other equivalently effective dust controls.
2. Dust emissions from the transportation of materials shall be effectively controlled by covering stock loads in open-bodied trucks, limiting vehicular speeds, or other equivalently effective controls.
3. Emissions from a sandblasting or other abrasive blasting operation shall be effectively controlled by applying water to suppress visible emissions (wet blasting), enclosing the operation, or use of other equivalently effective controls.

E. Permit Shield

Compliance with Condition III shall be deemed compliance with P.C.C. §§ 17.16.060, P.C.C. §§ 17.16.070, P.C.C. §§ 17.16.080, P.C.C. §§ 17.16.090, and P.C.C. §§ 17.16.100,.

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ATTACHMENT “E”
CONDITIONS FOR OPERATION INSIDE PINAL COUNTY
Air Quality Control Permit No. 42253
For
FNF Construction, Inc

I. APPLICABILITY

While operating in Pinal County the Permittee shall comply with the Conditions set forth in Attachment “B” and Attachment “E”. Whenever more than one Condition in this Attachment regulating the same emissions applies to any emissions unit, or whenever a Condition in this Attachment and a Condition in Attachment "B" regulating the same emissions applies to any emissions unit, the Condition or combination of Conditions resulting in the lowest emissions rate or lowest concentration of regulated air pollutants released to the atmosphere shall apply, unless otherwise specifically exempted or designated in the applicable permit Conditions.

II. CRUSHING AND SCREENING REQUIREMENTS

A. Applicability

The provisions of this article are applicable to the following affected facilities: primary rock crushers, secondary rock crushers, tertiary rock crushers, screens, conveyors and conveyor transfer points, stackers, reclaimers and all gravel or crushed stone processing plants and rock storage piles.

[Pinal Code §5-5-180]

B. Particulate Matter Emissions

1. Emission Limitation and Standards

Fugitive emissions from gravel or crushed stone processing plants shall be controlled in accordance with Chapter 4 of the Pinal County Rules.

[Pinal Code §5-5-190.D]

2. Monitoring and Recordkeeping

The Permittee shall meet all of the monitoring and recordkeeping requirements specified in Conditions IV.B of Attachment “B” in order to comply with Condition II.B.1 of this Attachment.

[A.A.C R18-2-306.A.3.c]

3. Permit Shield

Compliance with the conditions of this Section shall be deemed compliance with Pinal Code § 5-5-190.A, Pinal Code § 5-5-190.C, Pinal Code § 5-5-190.D, Pinal Code § 5-5-200.A and Pinal Code § 5-5-200.B.

C. Fugitive Dust Requirements

[Currently federally enforceable pursuant to PGCAQCD Reg. 7-3-1.2 (3/31/75)
and Reg. 7-3-2.1.C (3/31/75) approved as SIP elements at 43 FR 505531 (11/15/78)]

1. The Permittee shall not cause, suffer, allow or permit a building or its appurtenances or open area to be used, constructed, repaired, altered or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other types of particulates shall be kept to a minimum by such measures as wetting down, covering, landscaping, paving, treating or by other reasonable means.
2. The Permittee shall not cause, suffer, allow or permit the repair, construction or reconstruction of a roadway or alley without taking reasonable precautions to prevent particulate matter from becoming airborne dust and other particulates shall be kept to a minimum by employing temporary paving, dust, palliatives, wetting down, detouring or by other reasonable means. Earth or other materials shall be removed from paved streets onto which earth or other material has been transported by trucking or earth moving equipment, erosion by water or by other means.

ATTACHMENT “F”
CONDITIONS FOR OPERATION INSIDE MARICOPA COUNTY
Air Quality Control Permit No. 42253
For
FNF Construction, Inc

I. FACILITY WIDE LIMITATIONS

A. Applicability of Multiple Permit Conditions

[A.R.S. § 49-402(D)]

While operating in Maricopa County the Permittee shall comply with the Conditions set forth in Attachment “B” and Attachment “F”. Whenever more than one Condition in this Attachment regulating the same emissions applies to any emissions unit, or whenever a Condition in this Attachment and a Condition in Attachment “B” regulating the same emissions applies to any emissions unit, the Condition or combination of Conditions resulting in the lowest emissions rate or lowest concentration of regulated air pollutants released to the atmosphere shall apply, unless otherwise specifically exempted or designated in the applicable permit Conditions.

B. Operating Limitations

1. *The Permittee shall not operate the soil cement plant for more than 12.6 hours per 24 hour period.*
2. *The Permittee shall not operate the soil cement plant for more than 4212 hours per year in Maricopa County on a 12-month rolling total.*

[A.A.C. R18-2-306.01 and -331.A.3.a]

[Material permit conditions are indicated by underline and italics]

C. Facility Wide Limitations

1. Opacity

Emission Limitations and Standards

The Permittee shall not discharge into the ambient air from any single source of emissions any air contaminant, other than uncombined water, in excess of 20% opacity.

[Maricopa County Rule 300 §301][State and Locally enforceable only]

2. Gaseous and Odorous Emissions

The Permittee shall not emit gaseous or odorous air contaminants from equipment, operations or premises under their control in such quantities or concentrations as to cause air pollution.

[Maricopa County Rule 320 §300]

3. Air Pollution Control Requirements

a. Material Containment Required

Materials including, but not limited to solvents or other volatile compounds, paints, acids, alkalies, pesticides, fertilizer and manure shall be processed, stored, used and transported in such a manner and by such means that they will not unreasonably evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution. Where means are available to reduce effectively the contribution to air pollution from evaporation, leakage or discharge, the installation and use of such control methods, devices or equipment shall be mandatory.

[Maricopa County Rule 320 §302]

b. Stack Requirements

Where a stack, vent or other outlet is at such a level that air contaminants are discharged to adjoining property, the Director may require the installation of abatement equipment or the alteration of such stack, vent or other outlet to a degree that will adequately dilute, reduce or eliminate the discharge of air contaminants to adjoining property.

[Maricopa County Rule 320 §303]

c. Operations and Maintenance (O&M) Plan

For the purposes of these conditions, an emission control system (ECS) is a system for reducing emissions of particulates, consisting of both collection and control devices, which are approved in writing by the Director and are designed and operated in accordance with good engineering practices.

- i. The Permittee shall provide and maintain, readily available on-site at all times, (an) O&M plan(s) for any ECS, any other emission processing equipment, and any ECS monitoring devices that are used pursuant to these conditions.

[Maricopa County Rule 316 §305.1.a]

- ii. The Permittee shall submit to the Director for approval the O&M Plan(s) for each ECS and ECS monitoring device that is used pursuant to these conditions.

[Maricopa County Rule 316 §305.1.b]

- iii. The Permittee shall comply with all identified actions and schedules provided in each O&M Plan.

[Maricopa County Rule 316 §305.1.c]

- iv. The Permittee shall install, maintain and calibrate monitoring devices described in the O&M Plan. The monitoring devices shall measure pressures, rates of flow, or other operating conditions necessary to determine if the control devices are functioning properly.

[Maricopa County Rule 316 §305.2 and A.A.C. R18-2-331.A.3.c]

[State and Locally enforceable only]
[Material permit conditions are indicated by underline and italics]

- v. The Permittee must fully comply with all O&M Plans that the Permittee has submitted for approval, even if such O&M Plans have not yet been approved, unless notified in writing by the Director.

[Maricopa County Rule 316 §305.3]

4. Monitoring/Recordkeeping/Reporting Requirements

a. Opacity Requirements

- i. The Permittee shall conduct a weekly facility walk-through and observe visible emissions from all equipment capable of emitting visible emissions. The Permittee shall log the visual observations, including the date and time when the reading was taken, results of the readings, name of the person who took the readings and any other related information.

[Maricopa County Rule 220 §302.5][State and Locally enforceable only]

- ii. Opacity shall be determined by observation of visible emissions conducted in accordance with 40 CFR Part 60 Appendix A, Method 9, except opacity of visible emissions from intermittent sources as defined by County Rule 300 §201. Opacity of visible emissions from intermittent sources shall be determined by observations conducted in accordance with 40 CFR Part 60 Appendix A, Method 9, except that at least 12 rather than 24 consecutive readings shall be required at 15-second intervals for the averaging time.

[Maricopa County Rule 300 §502]

b. Operational Record keeping

[Maricopa County Rule 316 §501.2.a and A.A.C. R18-2-306.A.2]

The Permittee shall keep records for all days that the facility is actively operating. The records shall include all of the following:

- i. Hours of operation;
- ii. Type of batch plant (wet, dry, central)
- iii. Throughput per day of basic raw materials including sand, aggregate, cement (tons/day or cubic yards/day)
- iv. Volume of concrete produced per day (cubic yards/day), 12-month rolling total (cubic yards/year);
- v. Amount of each basic raw materials including sand, aggregate, cement, flyash, delivered per day (tons/day or cubic yards/day)

- vi. Location of the plant
- vii. Type of power utilized for plant operation
- c. Control and Monitoring Device Data [Maricopa County Rule 316 §501.2.c]

The Permittee shall keep records for all days that the facility is actively operating. The records shall include all of the following:

- i. For a fabric filter baghouse
 - 1. Date of inspection
 - 2. Date and designation of bag replacement;
 - 3. Date of service or maintenance related activities; and
 - 4. Time, date, and cause of fabric filter baghouse failure and/or down time, if applicable.
- ii. For a scrubber:
 - 1. Date of service or maintenance related activities;
 - 2. Liquid flow rate;
 - 3. Other operating parameters that need to be monitored to assure that the scrubber is functioning properly and operating within design parameters; and
 - 4. Time, date, and cause of scrubber failure and/or down time, if applicable.

- d. Operating and Maintenance Plan Records [Maricopa County Rule 316 §501.3]

- i. Period of time that an approved emission control system is operating to comply with the conditions in this permit;
- ii. Period of time that an approved emission control system is not operating;
- iii. Flow rates;
- iv. Pressure drop;
- v. Other conditions necessary to determine if the approved emission control system is functioning properly;
- vi. Results of visual inspections; and

- vii. Correction action taken, if necessary.
- e. The Permittee shall keep all operational information required by Conditions I.B.4.c and d, in a complete and consistent manner on site and shall be made available without delay to the Director upon request.
[Maricopa County Rule 316 §501.1]
- f. Dust Control Plan Submission
 - i. The Permittee shall submit a Dust Control Plan to the Department along with each move notice that notifies the Department of movement into or within Maricopa County.
[Maricopa County Rule 310]
 - ii. For each site within Maricopa County that the Permittee operates, a Dust Control Plan shall be submitted to the ADEQ Inspections and Field Services Unit. The Dust Control Plan shall describe all control measures to be implemented to control dust generating operations.
[Maricopa County Rule 310]
 - iii. All Dust Control Plans shall, at a minimum, contain the elements of information required by Rule 310 of the Maricopa county rules.
[Maricopa County Rule 310]
 - iv. Unless the Permittee receives an official determination from the Department stating the contrary, all Dust Control Plans shall be deemed approved by default ten days after submission.
[Maricopa County Rule 310]
 - v. The Permittee shall compile, maintain, and retain records as described in Rule 310 of the Maricopa County Rules.
 - vi. The Permittee of a source shall post a copy of the approved Dust Control Plan in a conspicuous location at the work site, within on-site equipment, or in an on-site vehicle, or shall otherwise keep a copy of the approved Dust Control Plan available on-site at all times.
[Maricopa County Rule 316 §501.4]
- g. When operating inside of Maricopa County, the Permittee shall maintain a copy of all earth moving permits obtained from Maricopa County on site and available for review upon request.
[A.A.C. R18-2-306.01.A.3.c and 306.A.4]

5. Testing Requirements

The following test methods shall be used as appropriate:

- a. Grain Loading: Particulate matter and associated moisture content shall be determined using the applicable EPA Reference Methods 1 through 5, 40 CFR Part 60, Appendix A.
[Maricopa County Rule 316 §502.1]
- b. Opacity Determination: Opacity observations to measure the opacity of visible emissions shall be conducted in accordance with the techniques specified in EPA Reference Method 9, 40 CFR Part 60, Appendix A, except the opacity observations for intermittent visible emissions shall require 12 (rather than 24) consecutive readings at 15-second intervals.
[Maricopa County Rule 316 §502.2]

6. Permit Shield

Compliance with the conditions of this Section shall be deemed compliance with Maricopa County Rule 241 § 301 and 301.1, Maricopa County Rule 300 §301, Maricopa County Rule 320 §300, Maricopa County Rule 320 §302, Maricopa County Rule 320 §303, Maricopa County Rule 316 §305.1.a, Maricopa County Rule 316 §305.1.b, Maricopa County Rule 316 §305.1.c, Maricopa County Rule 316 §305.2, Maricopa County Rule 316 §305.3, Maricopa County Rule 300 §502, Maricopa County Rule 330 §503.1, Maricopa County Rule 330 §503.2, Maricopa County Rule 330 §503.4, Maricopa County Rule 316 §501.1, Maricopa County Rule 316 §501.2, Maricopa County Rule 316 §501.3, Maricopa County Rule 316 §502.1 and Maricopa County Rule 316 §502.2.

[A.A.C. R18-2-325]

II. CONCRETE BATCH PLANT REQUIREMENTS

Particulate Matter and Opacity

A. Emission Limitations/Standards

The Permittee shall not discharge or cause to be discharged into the ambient air:

1. Stack emissions exceeding 7% opacity.
[Maricopa County Rule 316 §303.1.a]
2. Fugitive dust emissions exceeding 10% opacity from any affected operation or process source, excluding truck dumping directly into any screening operation, feed hopper or crusher.
[Maricopa County Rule 316 §303.1.b]
3. Fugitive dust emissions exceeding 20% opacity from truck dumping directly into any screening operation, feed hopper, or crusher.
[Maricopa County Rule 316 §303.1.c]

B. Air Pollution Control Requirements

1. The Permittee shall implement the following process controls:

- a. On all cement, lime, and/or flyash storage silo(s), the Permittee shall install an operational overflow warning system/device. The system/device shall be designed to alert operator(s) to stop the loading operation when the cement, lime, and/or flyash storage silo(s) are reaching a capacity that could adversely impact pollution abatement equipment.

[Maricopa County Rule 316 §303.2.a]

- b. On existing cement, lime, and/or flyash silo(s), the Permittee shall install a properly sized fabric filter baghouse, with an opacity limit not greater than 5% over a 6 minute period.

[Maricopa County Rule 316 §303.2.b]

- c. On new cement, lime, and/or flyash silo(s) the Permittee shall install a properly sized fabric filter baghouse or equivalent device designed to meet a maximum outlet grain loading of 0.01 gr/dsf.

[Maricopa County Rule 316 §303.2.c]

- d. On dry mix concrete plant loading stations/truck mixed product, the Permittee shall implement one of the following process controls:

[Maricopa County Rule 316 §303.2.d]

- i. The Permittee shall install a rubber fill tube;
- ii. The Permittee shall install a water spray;
- iii. The Permittee install a properly sized fabric filter baghouse or delivery system;
- iv. The Permittee shall have enclosed mixer stations such that no visible emissions occur; or
- v. Conduct mixer loading stations in an enclosed process building such that no visible emissions from the building occur during the mixing activities.

- e. On cement silo filling processing/loading operations controls, the Permittee shall install a pressure control system designed to shut-off cement silo filling processes/loading operations, if pressure from delivery truck is excessive, as defined in the O&M Plan.

[Maricopa County Rule 316 §303.2.e]

C. Monitoring, Record Keeping, and Reporting

1. The Permittee shall meet all of the monitoring and recordkeeping requirements specified in Condition II.C of Attachment “B” in order to show compliance with Condition II.A of Attachment “F”.

[A.A.C R18-2-306.A.3.c]

2. For dry mix concrete plants, the Permittee shall maintain records of the following:

[Maricopa County Rule 316 §501.2.b]

- a. Number of bags of dry mix produced per day;
- b. Weight (size) of bags of dry mix produced per day;
- c. Kind and amount of fuel consumed in the dryer in cubic feet per day or gallons per day; and
- d. Kind and amount of any back-up fuel in cubic feet per day or gallons per day.

D. Permit Shield

Compliance with Condition II shall be deemed compliance with Maricopa County Rule 316 §303.1, Maricopa County Rule 316 §303.2, Maricopa County Rule 316 §303.3, Maricopa County Rule 316 §501.3, Maricopa County Rule 316 §501.2.a, and Maricopa County Rule 316 §501.2.b.

[A.A.C. R18-2-325]

III. FUGITIVE DUST

A. Emission and Operational Limitations

1. Opacity

The Permittee shall not discharge or cause or allow to be discharged into the ambient air fugitive dust emissions exceeding 20% opacity.

[Maricopa County Rule 316 §306.1]

2. Visible Emission Limitation Beyond Property Line

The Permittee shall not cause or allow fugitive dust emissions from any active operation, open storage pile, or disturbed surface area associated with such facility such that the presence of such fugitive dust emissions remain visible in the atmosphere beyond the property line of such facility.

[Maricopa County Rule 316 §306.2]

3. Wind Events

The fugitive dust emission limitations described in above sections shall not apply during a wind event, if the Permittee meets the following conditions:

- a. Has implemented the fugitive dust control measures described in Section 307 of this rule, described in Condition III.B below, as applicable;

[Maricopa County Rule 316 §306.3.a]

- b. Has compiled and retained records, in accordance with Section 501.4 of this rule, which states that an owner and/or operator of a facility shall compile, maintain, and retain records as described in Rule 310 (Fugitive Dust), and has documented by records the occurrence of a wind event on the day(s) in question. The occurrence of a wind event must be determined by the nearest Maricopa County Environmental Services

Department Air Quality Division monitoring station, from any other certified meteorological station, or by a wind instrument that is calibrated according to manufacturer's standards and that is located at the site being checked; and [Maricopa County Rule 316 §306.3.b]

- c. Has implemented the following high wind fugitive dust control measures, as applicable:

[Maricopa County Rule 316 §306.3.c]

- i. For an active operation, implement one of the following fugitive dust control measures;

1. Cease active operation that may contribute to an exceedance of the fugitive dust emission limitations described in Section III.A.1 and 2 of this Attachment "F" for the duration of the wind event and, if active operation is ceased for the remainder of the work day, stabilize the area; or
2. Maintain a visible crust by applying water or other suitable dust suppressant other than water or by implementing another fugitive dust control measure, in sufficient quantities to meet the stabilization standards described in Condition III.D.2 of Attachment "F".

- ii. For an open storage pile, implement one of the following fugitive dust control measures, in accordance with the test methods described in Condition III.D.2 of Attachment "F", and in Appendix C (Fugitive Dust Test Methods) of the Maricopa County Rules:

1. Maintain a visible crust by applying water or other suitable dust suppressant other than water or by implementing another fugitive dust control measure, in sufficient quantities to meet the stabilization standards described in Condition III.D.2 of Attachment "F".
2. Cover open storage pile with tarps, plastic, or other material such that wind will not remove the covering, if open storage pile is less than eight feet high.

- iii. For a disturbed surface area, implement one of the following fugitive dust control measures, in accordance with the test methods described in Condition III.D.2 of Attachment "F", and in Appendix C (Fugitive Dust Test Methods) of the Maricopa County Rules:

1. Uniformly apply and maintain surface gravel or a dust suppressant other than water; or

2. Maintain a visible crust by applying water or other suitable dust suppressant other than water or by implementing another fugitive dust control measure, in sufficient quantities to meet the stabilization standards described in Condition III.D.2 of Attachment "F".

4. Silt Loading and Silt Content Standards

The Permittee shall not discharge or allow to be discharged into the ambient air from unpaved internal roads and unpaved parking and staging areas, fugitive dust emissions exceeding 20% opacity, in accordance with the test methods described in Condition I.C.5 of Attachment "F", and one of the following:

- a. Silt loading equal to or greater than 0.33 oz/ft²; or
- b. Silt content exceeding 6%.

[Maricopa County Rule 316 §306.4]

5. Stabilization Standards

- a. The Permittee shall be considered in violation if any open storage pile and material handling or surface soils where support equipment and vehicles operate in association with such facility is not maintained in a manner that meets at least one of the standards listed below, as applicable.

[Maricopa County Rule 316 §306.5.a]

- i. Maintain a visible crust;
- ii. Maintain a threshold friction velocity (TFV) for disturbed surface areas corrected for non-erodible elements of 100 cm/second or higher;
- iii. Maintain a flat vegetative cover (i.e., attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50%;
- iv. Maintain a standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30%;
- v. Maintain a standing vegetative cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 10% and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements;
- vi. Maintain a percent cover that is equal to or greater than 10% for non-erodible elements; or

vii. Comply with a standard of an alternative test method, upon obtaining the written approval from the Director and the Administrator of the Environmental Protection Agency (EPA).

- b. If no activity is occurring on an open storage pile and material handling or surface soils where support equipment and vehicles operate in association with such facility and if an open storage pile and material handling or surface soils where support equipment and vehicles operate in association with such facility contain more than one type of disturbance, soil, vegetation, or other characteristics, which are visibly distinguishable, each representative surface shall be tested separately for stability, in an area that represents a random portion of the overall disturbed conditions of the site, in accordance with the appropriate test methods described Condition III.D of this Attachment, and shall be included in or eliminated from the total size assessment of disturbed surface area(s) depending upon test method results.

[Maricopa County Rule 316 §306.5.b]

B. Air Pollution Control Requirements

The Permittee shall implement the fugitive dust control measures described in this Section. Any fugitive dust control measure that is implemented must achieve the applicable standard(s) described Condition III.A of Attachment “F” and corresponding test method(s) as described in Section 306 of Maricopa County Rule 316.

The Permittee may submit a request to the Director and the Administrator of The Environmental Protection Agency (EPA) for the use of alternative control measure(s). The request shall include the proposed alternative control measure, the control measure that the alternative would replace, and a detailed statement or report demonstrating that the measure would result in equivalent or better emission control than the measures outlined in Section 307 of Maricopa County Rule 316.

[Maricopa County Rule 316 §307]

1. Open Storage Piles and Material Handling

The Permittee shall implement all of the following fugitive dust control measures, as applicable, in compliance with Conditions III.A.1 through III.A.5 of Attachment “F”. Open storage pile(s) and material handling does not include berms and guard rails that are installed to comply with 30 CFR 56.93000. However, such berms and guard rails shall be installed and maintained in compliance with Condition III.A.1 and Condition III.A.5 of Attachment “F”.

[Maricopa County Rule 316 §307.1]

- a. Prior to, and/or while conducting stacking, loading, and unloading operations, implement one of the following fugitive dust control measures:

[Maricopa County Rule 316 §307.1.a]

- i. Spray material with water, as necessary; or

- ii. Spray material with a dust suppressant other than water, as necessary.
- b. When not conducting stacking, loading, and unloading operation implement one of the following fugitive dust control measures:
[Maricopa County Rule 316 §307.1.b]
 - i. Spray material with water, as necessary, in compliance with Conditions III.A.1 through III.A.5 of Attachment “F”;
 - ii. Maintain a 1.5% or more soil moisture content of the open storage pile(s), in compliance with Conditions III.A.1 through III.A.5 of Attachment “F”;
 - iii. Locate open storage pile(s) in a pit/in the bottom of a pit. If implementing this fugitive dust control measure, the owner and/or operator of a facility shall also comply with the stabilization standards in Condition III.A.5 of Attachment “F”;
 - iv. Arrange open storage pile(s) such that storage pile(s) of larger diameter products are on the perimeter and act as barriers to/for open storage pile(s) that could create fugitive dust emissions. If implementing this fugitive dust control measure, the owner and/or operator of a facility shall also comply with the stabilization standards in Condition III.A.5 of Attachment “F”;
 - v. Meet one of the stabilization standards in Condition III.A.5 of Attachment “F”; or
 - vi. Construct and maintain wind barriers, storage silos, or a three-sided enclosure with walls, whose length is no less than equal to the length of the pile, whose distance from the pile is no more than twice the height of the pile, whose height is equal to the pile height, and whose porosity is no more than 50%. If implementing this fugitive dust control measure, the owner and/or operator of a facility shall also comply with the stabilization standards in Condition III.A.5 of Attachment “F”.
- c. When installing new open storage pile(s) at an existing facility and/or when installing new open storage pile(s) at a new facility, the Permittee shall implement all of the following fugitive dust control measures in compliance with Conditions III.A.1 through III.A.5 of Attachment “F”; only if it is determined to be feasible on a case-by-case basis through the Dust Control Plan by assessing the amount of open land available at the property at the time the new open storage pile(s) are formed:
[Maricopa County Rule 316 §307.1.c]
 - i. Install the open storage pile(s) at least 25 feet from the property line; and
 - ii. Limit the height of the open storage pile(s) to less than 45 feet.

- d. For existing open storage pile(s) and when installing open storage pile(s) for an existing facility or for a new facility, if such open storage pile(s) will be constructed over eight feet high and will not be covered, then the Permittee shall install, use, and maintain a water truck or other method that is capable of completely wetting the surfaces of open storage pile(s) in compliance Conditions III.A.1 through III.A.5 of Attachment “F”.

[Maricopa County Rule 316 §307.1.d]

2. Surface Stabilization Where Support Equipment and Vehicles Operate

The Permittee shall stabilize surface soils where loaders, support equipment, and vehicles will operate by implementing one of the following fugitive dust control measures, in compliance with Conditions III.A.4 and/or Conditions III.A.5 of Attachment “F”; as applicable:

- a. Pre-water surface soils;
- b. Apply and maintain a dust suppressant, other than water; or
- c. Apply a gravel pad, in compliance with the Condition III.B.6.b(4) of Attachment “F”.

[Maricopa County Rule 316 §307.2]

3. Haul/Access Roads

- a. The Permittee shall implement one of the following fugitive dust control measures, as applicable, in compliance with Condition III.A.4 of Attachment “F”, before engaging in the use of, or in the maintenance of, haul/access roads. Compliance with the provisions of this section of this rule shall not relieve any person subject to the requirements of this section of this rule from complying with any other federally enforceable requirements (i.e., a permit issued under Section 404 of the Clean Water Act).

[Maricopa County Rule 316 §307.3.a]

- i. Install and maintain bumps, humps, or dips for speed control and apply water, as necessary;
 - ii. Limit vehicle speeds and apply water, as necessary;
 - iii. Pave;
 - iv. Apply and maintain a gravel pad in compliance with Condition III.B.6.b.4 of Attachment “F”;
 - v. Apply a dust suppressant, other than water; or
 - vi. Install and maintain a cohesive hard surface.
- b. For a new facility, if implementing one of the fugitive dust control measures described in Condition III.B.3.a of Attachment “F”, is

determined to be technically infeasible as obtained/approved in writing by the Director and the Administrator of the Environmental Protection Agency (EPA) and as approved in the Dust Control Plan, then the Permittee shall maintain a minimum distance of 25 feet from the property line for haul/access roads associated with the new facility.

[Maricopa County Rule 316 §307.3.b]

4. On-Site Traffic

- a. The Permittee shall require all batch trucks and material delivery trucks to remain on internal roads with paved surfaces or cohesive hard surfaces in the permanent areas of the facility/operation that include entrances, exits, warehouses and maintenance areas, office areas, concrete plant areas, asphalt plant areas, and parking and staging areas, as approved in the Dust Control Plan.

[Maricopa County Rule 316 §307.4.a]

- b. The Permittee shall require all aggregate trucks to remain on internal roads subject to Condition III.B.4.a of Attachment "F", when entering and exiting aggregate loading areas/loading operations, as approved in the Dust Control Plan. [Maricopa County Rule 316 §307.4.b]

- c. The Permittee shall require all batch trucks and material delivery trucks to enter and exit the facility/operation only through entrances that comply with the track out requirements in Condition III.A.5 of Attachment "F", and that comply with Condition III.B.5 of attachment "F".

[Maricopa County Rule 316 §307.4.c]

5. Off-Site Traffic

When hauling and/or transporting bulk material off-site, the Permittee shall implement all of the following control measures:

- a. Load all haul trucks such that the freeboard is not less than three inches;

[Maricopa County Rule 316 §307.5.a]

- b. Prevent spillage or loss of bulk material from holes or other openings in the cargo compartment's floor, sides, and/or tailgate(s); and

[Maricopa County Rule 316 §307.5.b]

- c. Cover haul trucks with a tarp or other suitable closure.

[Maricopa County Rule 316 §307.5.c]

6. Track out

- a. Rumble Grate And Wheel Washer:

The Permittee of a new permanent facility and the Permittee of an existing permanent facility with a minimum of 60 aggregate trucks, mixer trucks, and/or batch trucks exiting a facility on any day onto paved

public roadways/paved areas accessible to the public shall install, maintain, and use a rumble grate and wheel washer, in accordance with all of the following conditions, as applicable. A vehicle wash and/or a cosmetic wash may be substituted for a wheel washer, provided such vehicle wash and/or cosmetic wash has at least 40 pounds per square inch (psi) water spray from the nozzle (the Permittee shall have a water pressure gauge available on-site to allow verification of such water pressure), meets the definition of wheel washer (i.e., is capable of washing the entire circumference of each wheel of the vehicle), is operated in such a way that visible deposits are removed from the entire circumference of each wheel of the vehicle exiting the wash, is installed, maintained, and used in accordance with criteria listed below, and is approved in the Dust Control Plan for the facility.

[Maricopa County Rule 316 §307.6.a]

- i. The Permittee shall locate a rumble grate within 10 feet from a wheel washer. The rumble grate and wheel washer shall be located no less than 30 feet prior to each exit that leads to a paved public roadway/paved area accessible to the public and that is used by aggregate trucks, mixer trucks, and/or batch trucks.
- ii. The Permittee shall ensure that all aggregate trucks, mixer trucks, and/or batch trucks exit the facility via the rumble grate first and then the wheel washer.
- iii. The Permittee shall post a sign by the rumble grate and wheel washer to designate the speed limit as 5 miles per hour.
- iv. The Permittee shall pave the internal roads from the rumble grate and wheel washer to the facility exits leading to paved public roadways/paved areas accessible to the public.
- v. The Permittee shall ensure that all aggregate trucks, mixer trucks, and/or batch trucks remain on the paved internal roads between the rumble grate and wheel washer and the facility exits leading to paved public roadways/paved areas accessible to the public.

b. Rumble Grate, Wheel Washer, Or Truck Washer:

A Permittee not subject to Condition III.B.6.a of Attachment “D”, shall install, maintain, and use a rumble grate, wheel washer, or truck washer in accordance with all of the following:

[Maricopa County Rule 316 §307.6.b]

- i. A rumble grate, wheel washer, or truck washer shall be located no less than 30 feet prior to each exit that leads to a paved public roadway/paved area accessible to the public and that is used by aggregate trucks, mixer trucks, and/or batch trucks. The

Permittee may be allowed to install a rumble grate, wheel washer, or truck washer less than 30 feet prior to each exit.

- ii. The Permittee shall ensure that all aggregate trucks, mixer trucks, and/or batch trucks exit the facility via a rumble grate, wheel washer, or truck washer.
- iii. The Permittee shall post a sign by the rumble grate, wheel washer, or truck washer to designate the speed limit as 5 miles per hour.
- iv. If haul/access roads/internal roads are unpaved between the rumble grate, wheel washer, or truck washer and the facility exits leading to paved public roadways/paved areas accessible to the public, a gravel pad shall be installed, maintained, and used from the rumble grate, wheel washer, or truck washer to such paved public roadways/paved areas accessible to the public in accordance with all of the following:
 - 1. Gravel pad shall be designed with a layer of washed gravel, rock, or crushed rock that is at least one inch or larger in diameter and 6 inches deep, 30 feet wide, and 50 feet long and shall be flushed with water or completely replaced as necessary to comply with the track out threshold described in Condition III.B.6.d of Attachment "F".
 - 2. Gravel pad shall have a gravel pad stabilizing mechanism/device (i.e., curbs or structural devices along the perimeter of the gravel pad) and shall be flushed with water or completely replaced as necessary to comply with the track out threshold described in Condition III.B.6.d of Attachment "F".

c. Exemptions For Wheel Washers:

The Permittee shall not be required to install, maintain, and use a wheel washer, if any one of the following are applicable:

[Maricopa County Rule 316 §307.6.c]

- i. A facility has all paved internal roads and meters aggregate or related materials directly to a ready-mix or hot mix asphalt truck, with the exception of returned products. The owner and/or operator of the facility shall install, maintain, and use a rumble grate in compliance with Condition III.B.6.b of Attachment "F".
- ii. A facility is less than 5 acres in land size and handles recycled asphalt and recycled concrete exclusively. The owner and/or operator of the facility shall install, maintain, and use a rumble grate in compliance with Condition III.B.6.b of Attachment "F".

and shall install a gravel pad in compliance with Condition III.B.6.b.4 of Attachment "F", on all unpaved internal roads leading to the facility exits leading to paved public roadways/paved areas accessible to the public.

- iii. A facility has a minimum of ¼ mile paved internal roads leading from a rumble grate to the facility exits leading to paved public roadways/paved areas accessible to the public.
- iv. If the facility meets the definition of infrequent operations, then the Permittee shall
 - 1. Install, maintain, and use a rumble grate in compliance with Condition III.B.6.b of Attachment "F", and shall install a gravel pad in compliance with Condition III.B.6.b.4 of Attachment "F". The gravel pad shall be installed for a distance of no less than 100 feet from the rumble grate to the facility exits leading to paved public roadways/paved areas accessible to the public.
 - 2. Keep records in accordance with III.D of Attachment "D", as applicable.
 - 3. Notify the Director in the event that the facility will operate more than 52 days per year based on the average rolling 3-year period after June 8, 2005 and the Permittee shall comply with Condition III.B.6, as applicable.

d. Track out Distance:

The Permittee shall not allow track out to extend a cumulative distance of 25 linear feet or more from all facility exits onto paved areas accessible to the public. Notwithstanding the proceeding, the Permittee shall clean up all other track out at the end of the workday.

[Maricopa County Rule 316 §307.6.d]

e. Cleaning Paved Internal Roads:

The Permittee shall clean all paved internal roads in accordance with all of the following as applicable:

[Maricopa County Rule 316 §307.6.e]

- i. If the Permittee has a minimum of 60 aggregate trucks, mixer trucks, and/or batch trucks exiting the facility on any day then the Permittee shall sweep the paved internal roads with a street sweeper by the end of each production work shift, if there is evidence of dirt and/or other bulk material extending a cumulative distance of 12 linear feet or more on any paved internal road.

- ii. The Permittee with less than 60 aggregate trucks, mixer trucks, and/or batch trucks exiting the facility on any day shall sweep the paved internal roads with a street sweeper by the end of every other work day. On the days that paved internal roads are not swept, The Permittee shall apply water as necessary to comply with Condition III.A of Attachment “F”, on at least 100 feet of paved internal roads or the entire length of paved internal roads leading to an exit to paved public roadways/paved areas accessible to the public, if such roadways are less than 100 feet long.
- iii. The Permittee, who purchases street sweepers after June 8, 2005, shall purchase street sweepers that meet the criteria of PM₁₀ efficient South Coast Air Quality Management Rule 1186 certified street sweepers.
- iv. The Permittee shall use South Coast Air Quality Management Rule 1186 certified street sweepers to sweep paved internal roads.

7. Pad Construction for Processing Equipment

The Permittee shall implement, maintain, and use fugitive dust control measures during the construction of pads for processing equipment and shall identify, in the Dust Control Plan, such fugitive dust control measures.

[Maricopa County Rule 316 §307.7]

8. Spillage

In addition to complying with the fugitive dust emission limitations described in Condition III.A of Attachment “F” and implementing fugitive dust control measures described in Conditions III.B.1 through III.B.7 of Attachment “F”, as applicable, The Permittee shall implement one of the following fugitive dust control measures, as applicable, when spillage occurs:

[Maricopa County Rule 316 §307.8]

- a. Promptly remove any pile of spillage on paved haul/access roads/paved internal roads;
- b. Maintain in a stabilized condition any pile of spillage on paved haul/access roads/paved internal roads and remove such pile by the end of each day; or
- c. Maintain in a stabilized condition all other piles of spillage with dust suppressants until removal.

9. Night-Time Operations

The Permittee shall implement, maintain, and use fugitive dust control measures at night, as approved in the Dust Control Plan.

[Maricopa County Rule 316 §307.9]

C. Monitoring, Recordkeeping, and Reporting

1. Fugitive Dust Control Technician

The Permittee with a rated or permitted capacity of 25 tons or more of material per hour shall have in place a Fugitive Dust Control Technician or his designee, who shall meet all of the following qualifications:

[Maricopa County Rule 316 §308]

- a. Be authorized by the owner and/or operator of the facility to conduct routine inspections, recordkeeping, and reporting to ensure that all fugitive dust control measures are installed, maintained, and used in compliance with this rule.
- b. Be authorized by the owner and/or operator of the facility to install, maintain, and use fugitive dust control measures, deploy resources, and shutdown or modify activities as needed.
- c. Be available within 30 minutes.
- d. Be issued a valid Certificate of Completion of the Maricopa County Fugitive Dust Control Class.
- e. Be certified to determine opacity as visible emissions in accordance with the provisions of the EPA Method 9 as specified in 40 CFR, Part 60, Appendix A.

2. Opacity Monitoring

- a. Opacity monitoring of fugitive visible emissions shall be conducted in accordance with the test methods described in Appendix C (Fugitive Dust Test Methods) of the Maricopa County Rules.

[Maricopa County Rule 316 §502.2]

- b. A certified Method 9 observer shall conduct a monthly visual survey of visible emissions from the fugitive sources. The Permittee shall keep records of the name of observer, date, time, and result of the survey and observation.

[A.A.C R18-2-306.A.3]

- c. If the observer sees a plume from a fugitive source that on an instantaneous basis appears to exceed the standard, then the observer shall, if practicable, take a Method 9 observation of the plume in accordance with Appendix C (Fugitive Dust Test Methods) of the Maricopa County Rules.

[A.A.C R18-2-306.A.3]

- d. If the opacity of the plume is less than the standard, the observer shall make a record of the following:

[A.A.C R18-2-306.A.3]

- i. Location, date, and time of the observation; and
 - ii. The results of the Method 9 observation.
- e. If the opacity of the plume exceeds the standard, then the Permittee shall do the following:
- [A.A.C R18-2-306.A.3]
- i. Adjust or repair the controls or equipment to reduce opacity to below 20%; and
 - ii. Report it as an excess emission under Section XI.A of Attachment "A".

3. Dust Control Plan

The Permittee shall submit, to the Director, a Dust Control Plan that describes all fugitive dust control measures to be implemented, in order to comply with Conditions III.A and III.B of Attachment "F". The Dust Control Plan shall, at a minimum, contain all the information and criteria described in Rule 310 (Fugitive Dust) of the Maricopa County Rules. [Maricopa County Rule 316 §309]

4. Dust Control Plan Records

The Permittee shall compile, maintain, and retain records as described in Rule 310 (Fugitive Dust) of the Maricopa County Rules. [Maricopa County Rule 316 §501.4]

D. Testing Requirements

- 1. The Permittee shall conduct performance tests for soil stabilization and moisture content as required by the Director. [A.A.C. R18-2-312]
- 2. The stabilization standards described in Condition III.A.5 of Attachment "F" shall be determined by using the following test methods in accordance with Appendix C (Fugitive Dust Test Methods) of the Maricopa County Rules:
 - a. Soil Moisture Content and Soil Compaction Characteristic Test Methods [Maricopa County Rule 316 §503]
 - i. ASTM Method D2216-98 ("Standard Test Method For Laboratory Determination Of Water (Moisture) Content Of Soil And Rock By Mass"), 1998 edition
 - ii. ASTM Method D1557-91 (1998) ("Test Method For Laboratory Compaction Characteristics Of Soil
 - b. Stabilization Standards Test Methods

[Maricopa County Rule 316 §504]

- i. Appendix C, Section 2.1.1 (Silt Content Test Method) of these rules to estimate the silt content of the trafficked parts of unpaved roads and unpaved parking lots.
- ii. Appendix C, Section 2.3 (Test Methods For Stabilization-Visible Crust Determination) (The Drop Ball/Steel Ball Test) of these rules for a visible crust.
- iii. Appendix C, Section 2.4 (Test Methods For Stabilization-Determination Of Threshold Friction Velocity (TFV)) (Sieving Field Procedure) of these rules for threshold friction velocity (TFV) corrected for non-erodible elements of 100 cm/second or higher.
- iv. Appendix C, Section 2.5 (Test Methods For Stabilization-Determination Of Flat Vegetative Cover) of these rules for flat vegetation cover (i.e., attached (rooted) vegetation or unattached vegetative debris lying on the surface with a predominant horizontal orientation that is not subject to movement by wind) that is equal to at least 50%.
- v. Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules for standing vegetation cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 30%.
- vi. Appendix C, Section 2.6 (Test Methods For Stabilization-Determination Of Standing Vegetative Cover) of these rules for standing vegetation cover (i.e., vegetation that is attached (rooted) with a predominant vertical orientation) that is equal to or greater than 10% and where the threshold friction velocity is equal to or greater than 43 cm/second when corrected for non-erodible elements.
- vii. Appendix C, Section 2.7 (Test Methods For Stabilization-Rock Test Method) of these rules for a percent cover that is equal to or greater than 10%, for non-erodible elements.
- viii. An alternative test method approved in writing by the Director and the Administrator of the EPA.

E. Permit Shield

[A.A.C. R18-2-325]

Compliance with Condition III shall be deemed compliance with Maricopa County Rule 316 §306.1, Maricopa County Rule 316 §306.2, Maricopa County Rule 316 §306.3, Maricopa County Rule 316 §306.4, Maricopa County Rule 316 §306.5, Maricopa County Rule 316 §307.1, Maricopa County Rule 316 §307.2., Maricopa County Rule 316 §307.3, Maricopa County Rule 316 §307.4, Maricopa County Rule 316 §307.5 Maricopa County

Rule 316 §307.6 Maricopa County Rule 316 §307.7 Maricopa County Rule 316 §307.8
Maricopa County Rule 316 §307.9 Maricopa County Rule 316 §308 Maricopa County
Rule 316 §309, Maricopa County Rule 316 §401.7, Maricopa County Rule 316 §503, and
Maricopa County Rule 316 §504.